

Response to Office Action Mailed January 30, 2008

S/N 10/826,799

Marshall Thomas DePue, et al.

Atty Dkt: 10030184-1

REMARKS

Claims 1, 5 and 8-27 were pending in the application prior to the current amendment. Claim 18 has been amended herein. Claims 19 and 20 have been canceled. Claims 1, 5, 8-17 and 21-27 remain in the application unchanged. Accordingly, after entry of the amendment, claims 1, 5, 8-18 and 21-27 will be pending in the application. Re-examination and reconsideration are requested.

Response to Office Action Mailed January 30, 2008
S/N 10/826,799
Marshall Thomas DePue, et al.
Atty Dkt: 10030184-1

I. Allowed Claims 1, 5 and 8-17

In paragraph 3 (page 5) of the Office action, the Examiner indicates that claims 1, 5 and 8-18 are allowed. It is believed that the Examiner intended to refer to claims 1, 5 and 8-17 as being has allowed, as indicated on the Office action cover sheet.

II. Rejection of Claims 18-27 Under 35 U.S.C. §102(e)

Claims 18-27 stand rejected under 35 U.S.C. §102(e) as being anticipated by Gruhlke et al. (U.S. Patent Application Publication No. 2005/0024624). Reconsideration of the Examiner's rejection is respectfully requested.

Applicants' claim 18, as amended herein, recites the following:

In an optical device, a method of optical navigation, said method comprising:

detecting at said optical device a first speckle pattern produced by light comprising light at a first wavelength reflecting from a surface with said optical device at a first distance from said surface;

detecting at said optical device a second speckle pattern produced by light comprising light at a second wavelength reflecting from said surface with said optical device at a second distance from said surface; and

adjusting said second wavelength relative to said first wavelength so that a first quantifiable value associated with said first speckle pattern and a second quantifiable value associated with said second speckle pattern are approximately equal; and

measuring distance between said optical device and said surface using

Response to Office Action Mailed January 30, 2008

S/N 10/826,799

Marshall Thomas DePue, et al.

Atty Dkt: 10030184-1

the ratio of said first and second wavelengths a first quantifiable value associated with said first speckle pattern and a second quantifiable value associated with said second speckle pattern.

Claim 18 has been amended herein, as indicated above. This amendment is fully supported by the originally-filed application with reference, for example, to the originally-filed claims. No new matter has been added.

Thus, claim 18 recites, for example, adjusting the wavelengths so that the first and second quantifiable attributes are approximately equal and using the ratio of the wavelengths to determine distance between the optical device and the surface. As indicated by the Examiner in paragraph 3 (page 5) of the Office action, Gruhlke et al. does not disclose or suggest the use of a ratio as recited. Accordingly, amended claim 18 is not anticipated by Gruhlke et al. and, thus, is believed to be in condition for allowance.

Claims 21-27 are allowable at least as depending from allowable base claim 18. Claims 19 and 20 have been canceled.

Response to Office Action Mailed January 30, 2008
S/N 10/826,799
Marshall Thomas DePue, et al.
Atty Dkt: 10030184-1

For at least the foregoing reasons, applicants respectfully assert that all of the pending claims are in condition for allowance.

Respectfully submitted,
KLAAS, LAW, O'MEARA & MALKIN, P.C.

By: /Michael A. Goodwin/

Michael A. Goodwin, Reg. No. 32,697
1999 Broadway, Suite 2225
Denver, Colorado 80202
Telephone: (303) 298-9888

Date: April 30, 2008